

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1, 3-11, 13 and 15-20 are now present in the application. Claims 1, 3, 6, 7, 11, 13, 15, 18 and 19 have been amended, and claims 2, 12 and 14 have been cancelled. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4, 6-16 and 18-20 stand rejected under 35 U.S.C. § 102(e) as anticipated by Hickman. This rejection is respectfully traversed.

Independent claim 1 has been amended to include the subject matter recited in dependent claim 2 and to clarify that the personal information datum includes at least a health condition of the user prior to using the physical training machine, and the server limits an upper-limit load of the physical training machine based on the personal information datum registered by the registration device such that the user can safely use the physical training machine. Independent claims 11 and 13 include similar features in a varying scope. These features are supported by page 8, line 37 and page 13, lines 12-17.

Regarding the subject matter recited in dependent claim 2, the Office Action indicates Hickman discloses registering personal information data of user and cites column 7, lines 21-37. However, it is respectfully noted this section merely indicates that the user is able to create a user script of what type of exercise program he would like to perform that day. The personal information does not include at least a health of condition of the user. Further, Hickman discloses skipping a step of a training program if the user is determined to be tiring by the local

system 12 (see column 8, lines 2-5). However, the health condition is not prior to using the physical training machine. Thus, if a person had a weak heart, Hickman would not appropriately limit the use or load of the physical training apparatus based on this previously acknowledged health condition. Rather, Hickman merely detects that the user is getting tired because he or she is slowing the exercising repetition rate (see column 7, lines 65-67). Thus, the advantages of the present invention are not achieved in Hickman.

Accordingly, it is respectfully submitted independent claims 1, 11 and 13 and the claims depending therefrom are allowable.

Further, it is respectfully submitted the rejection of claims 5 and 17 under 35 U.S.C. § 103(a) as unpatentable over Hickman in view of Watterson et al. has also been overcome as Watterson et al. also does not teach or suggest the features included in the amended independent claims.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact David A. Bilodeau, Reg. No. 42,325 at (703) 205-8072.


Appl. No. 10/092,559
Amendment dated December 19, 2005
Reply to August 26, 2005 Office Action

Attorney Docket No. 0051-0176P
Art Unit 3764
Page 11 of 11 pages

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Paul C. Lewis
Reg. No. 43,368

PCL/DAB/bsh/adt

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000